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Report to the Asia Pacific Forum Councillors Meeting during the 13th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in Kuala Lumpur, Malaysia

Speaking notes for

Jennifer Lynch, Q.C.

Chair of the the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
and
Chief Commissioner
of the Canadian Human Rights Commission

Report to the Asia Pacific Forum Councillors Meeting
during the 13th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions

Tuesday, July 29, 2008
11:00 - 13:00
Nusantara 2 and 3, Level 2
Hotel Imperial
Kuala Lumpur, Malaysia

Check Against Delivery

Good afternoon ladies and gentlemen,

I thank Mr. Tan Sri Abu Talib Othman for welcoming me here today.

It is an honour to be invited to the 13th Annual Meeting of the Asia Pacific Forum (APF13).

I am grateful to have this opportunity to provide you with an overview of ICC activities and initiatives.

I attended my first APF meeting last year and was so impressed – it is one of the best organized and most interesting conferences in our field.

It has been a watershed year for the ICC. I am proud to say that a great deal of progress has been made to the benefit of member institutions.

I will share highlights of our activities with you, and our plans for the ICC 9th International Conference to be held this year in Nairobi Kenya October 21-24.

Highlights of our activities

When I spoke at APF last year in Sydney, I gave a report of my first six months as ICC Chair.

We had just achieved full standing at the Human Rights Council and had placed an ICC representative in Geneva.

I had conducted an assessment of what we needed to strengthen the ICC and our partnerships.

I promised to undertake a governance review, to complete the updating of the rules of accreditation, and to strengthen communications.

I am pleased to report that we have fulfilled all of those commitments. After broad consultations, a number of key decisions were taken at the ICC 20th session.

(1) ICC governance

With regard to governance, we have:

- developed a new ICC mission statement and statement of functions;
- defined our modernized governance structure; and
- approved plans to incorporate the ICC in the Swiss jurisdiction.

A decision was also made that after incorporation, 'A' status National Institutions would pay a yearly membership fee (3,200 euros or $5,000 USD) to support these new developments.

This decision is critical for the long-term financial sustainability of the ICC.

In addition, we are undertaking the development of a new website, thanks to the generous offer of support from the Indian Commission.

To enhance our participation at the Human Rights Council, we have secured approval, and funding, to retain Katharina Rose as our interim representative in Geneva, until at least December 2008.

We are immensely grateful for New Zealand, Denmark and Germany's recent contributions that have made this possible, as Ms. Rose is doing an outstanding job for all of us.

Of course we do plan to make the position permanent as soon as sustainable funding can be secured.

In the ICC spirit of transparency, there will be an open recruitment process that Deputy Chair Ahn has graciously

offered to develop.

We have been visible, and provided substantive input on many issues, at the Human Rights Council.

Ms. Rose continuously makes statements on behalf of 'A' Status National Institution on any HRC agenda item: I encourage you to make use of this service.

We have also enhanced communications. Ms. Rose prepares bi-weekly reports of activities and upcoming events, which are disseminated in the Asia Pacific region by Kieren Fitzpatrick.

And Gianni Magazzeni's NI Unit also publishes *NHRI Info Note*.

I regularly seek the advice of the Regional Chairs and send communication updates through the Regional Chairs and coordinators to our member institutions in all four regions.

Consistent with this consultative approach, we modernized the format of the ICC 20th session:

- We implemented a new regional dialogue format led by the regional Chairs. This enabled participants to contribute to decision making on the core topic: *how to better support the expanding role of the ICC within the international human rights system*.
- We also introduced pre- and post-conference business meetings for the 16 ICC voting members.

The new format worked extremely well. Forty-six – or ¾ – of 'A' status National Institutions attended the session.

This was an exceptional level of participation. I am pleased to say that consensus was reached on every issue brought to the meeting.

(2) Accreditation

After two years of consultation, drafting and revisions, we approved the Decision Paper that describes our new rules of procedure for the Accreditation Process.

The Decision Paper contains a complete review of the Rules and Process for Accreditation, Re-Accreditation, and Special Reviews, with recommendations on how to further strengthen the process to ensure it is rigorous, transparent, independent and fair.

The Sub-Committee remains open to, and encourages, input, advice, and recommendations from all NHRIs and others for further enhancing the process of accreditation.

The Accreditation sub-committee also met to review five new applications for accreditation, and ten applications for reaccredidation.

Under our new process, the recommendations are circulated electronically and deemed accepted within 30 days.

If an ICC member raises an issue, the matter is discussed at the next ICC session.

We welcome new 'A' Status members Timor Leste and The Republic of Croatia, and new 'B' Status members Maldives and Ukraine.

(3) Thematic

Significant thematic and substantive work was also accomplished during the ICC 20th session.

A panel discussion on "NHRIs and Business" explored engaging the corporate sector as a key partner in promoting and protecting human rights.

It also examined the role of NIs in holding the business sector accountable for human rights abuses.

This theme is clearly of growing interest within the NI community, and externally:

- In July, the Danish Institute for Human Rights sponsored a workshop attended by 25 NIs to explore ways for NIs to strengthen their capacity in this area. Their recommendations will be brought to us at our Kenya conference.
- As you know, the UN Secretary General's Special Rapporteur John Ruggie has recently issued a report named: *Protect, Respect and Remedy: a Framework for Business and Human Rights*.
- And the Council of Jurists is deliberating this week on the issue. I am looking forward to the opportunity to address the Council later today.

Also during the ICC 20th session, a parallel event was held on the role of NHRIs in poverty reduction strategies.

Participants noted that NHRIs are uniquely positioned to address poverty.

NHRIs can build the capacities of poor communities and empower them to participate in development processes.

At the ICC 20th session, we also held a workshop on Universal Periodic Review (UPR) and the role of NHRIs, in collaboration with Rights and Democracy, La Francophonie, and the Office of the High Commissioner for Human Rights (OHCHR) National Institutions Unit.

A number of your members provided input and leadership – I commend India, Korea, Malaysia, and the Philippines.

In all, the ICC 20th session was a truly historical event.

The Report of the 20th Session of the ICC and the Report of the Universal Periodic Review Workshop will soon be available on the OHCHR National Institutions Unit website.

An executive summary of the Record of Decisions will soon be available in our three official working languages.

Accomplishment and Activities Since ICC20

Since the 20th Session of the ICC, we continue to progress.

Our focus is implementing the governance decisions and preparing for Kenya.

The ICC has created a Governance Working Group (GWG), which I chair, and whose members comprise the four Regional Chairs.

The Hon. John Von Doussa of Australia undertook the drafting of the foundational incorporation documents and supporting bylaws.

John, you have once again done us an incredible service.

The documents have recently been in circulation amongst the 16 ICC voting members for their signatures.

This week, we will be holding discussions amongst APF Bureau members regarding the documentation, towards the possibility of holding the founding 'Constitutive Assembly', as required by Swiss Law, as early as Thursday of this week.

Incorporation will finally provide us with the status we need to enter contracts and to raise and expend funds.

Other initiatives include exploring additional funding strategies, and working to advance the Universal Declaration of Human Rights

60th anniversary campaign: Dignity and Justice for All of Us.

Preparations for the 9th International Conference of NHRIs in Kenya

The ICC holds its International Conference every two years.

This year the Conference will be held in Nairobi, Kenya,

October 21-24, 2008.

The Conference has two components – the institutional meeting and the substantive meeting.

I will be chairing the institutional meeting, taking place on October 21st.

Once we are incorporated, the next major step will be to merge our three sets of rules – the ICC, the International Conference, and the Rules of Accreditation – into one document.

As some of the required approvals can only be obtained at our biennial International Conference, we will spend the first day of the Conference reviewing, and approve the modernized by-laws.

In accordance with what was decided in Geneva, the major changes that you will see are:

- the 16 voting members, now called the "Bureau" will serve as a board of directors, meeting twice a year;
- 'A' and 'B' status NIs will be 'members'. The spring ICC meetings will include an annual business meeting, held in Geneva to coincide with meetings of the Human Rights Council; and
- the International Conferences will continue every two years; yet the focus will be entirely thematic. The business of the ICC will be done at the annual Geneva meetings.

The second part of the International Conference is the substantive- or thematic- conference.

I gratefully acknowledge and commend the strong work and support of our ICC Secretariat, the OHCHR National Institutions Unit, in conjunction with the efforts of the Kenya National Commission on Human Rights and African Regional Chair (Rwanda), and my own staff at the Canadian Human Rights Commission.

All are working to ensure a worthwhile and exceptional conference.

The theme of this year's biennial conference, *National Human Rights Institutions and the Administration of Justice*, was selected to support the OHCHR focus and builds on the outcome of the Copenhagen Round Table that was hosted by the Danish Institute for Human Rights in 2003.

This is an issue that is timely and important to address.

The overall objectives are to develop and strengthen cooperation in addressing critical issues such as:

- the relationship between NHRIs and the judiciary;
- contributing to the fight against impunity;
- the right to restitution, compensation and rehabilitation for victims of gross human rights violations; and

- capacity building in the administration of justice.

Concluding Remarks

In conclusion, I am pleased to record that National Institutions and their coordinating organizations are becoming increasingly strong, credible and influential international human rights actors.

We are making meaningful contributions to the international human rights system at a critical time in its history.

We are ably supported in our work by the National Institutions Unit. Gianni Magazzeni is doing an outstanding job and I am immensely grateful to him and his team.

Our individual, and collaborative, initiatives are creating momentum. We have an ambitious agenda:

- We are engaging actively in the Human Rights Council;
- We are working towards the creation of independent, authoritative, and credible national institutions; and
- We are working to preserve the independence of existing National Institutions.

All of this work is critical.

I am a strong supporter of the APF. In my view, yours is a model for all other regions.

I congratulate you on your achievements over the past year, thank you for your support for my leadership, and pledge my personal commitment to advancing our goals.

I am pleased to have this opportunity to publicly thank the APF's ICC members, my colleagues: Deputy Chairperson Ahn of Korea, the Honourable John von Doussa of Australia, Ms. Rossl yn Noonan of New Zealand, and Mr. Justice Shri Rajendra Babu, of India.

Your support and involvement has been integral to our progress.

As well, a major strength of the APF lies in its well run and effective Secretariat, thanks to the leadership of Kieren Fitzpatrick and Pip Dargan. This week hold a great deal of promise and I know it will be well supported by the APF secretariat team.

Throughout the week, I look forward to meeting with even more representatives from this region and gaining insight into the recent work of the APF.

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